

**REMARKS**

Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

A. Status of the Claims And Explanation Of Amendments

Claims 1-12 are pending. Claims 1, 2, 5-8 and 10 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,370,111 to Takeda et al. ("Takeda"). Claim 12 was rejected under 34 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,584,316 to Akhteruzzaman et al. ("Akhteruzzaman"). Claims 3 and 4 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Takeda in view of U.S. Patent No. 6,477,183 to Yamamoto ("Yamamoto"). Claim 6 was rejected under 34 U.S.C. 103(a) as allegedly being unpatentable over Takeda in view of U.S. Patent No. 6,631,142 to Miyamoto et al. ("Miyamoto"). Claim 11 was rejected under 34 U.S.C. 103(a) as allegedly being unpatentable over Takeda in view of U.S. Patent No. 5,940,756 to Sibecas et al. ("Sibecas").

By this paper, new claims 13-15 have been added. Claim 13 is dependent from pending claim 9 and further recites "wherein said request means requests the base station to control the transmission timing in a case where said judging means judges that the wireless communication with the base station is out of synchronization." Claim 14 is independent and is directed to a wireless communication system and recites, *inter alia*, "said base station controls the transmission timing in response to the informing signal sent by said wireless communication apparatus." Claim 15 is dependent from claim 14 and further recites "wherein said wireless communication apparatus sends the informing signal in a case where the wireless communication with said base station is out of synchronization." It is respectfully asserted that these claims are

properly supported by the originally filed disclosure and would not add new matter to this application.

Also, claims 6-7 have been cancelled without prejudice or disclaimer. In addition, claims 1-5 and 8-12 have been amended for clarity. For example, the phrase “wireless communication control apparatus” has been replaced with “base station.” In addition, certain idiomatic language (“characterized in that”) has been changed in accordance with the norms of practice before the U.S. PTO.

Entry of each of these amendments is respectfully requested.

B. Claims 1-5, 8, And 10 Are Patentably Distinct From Takeda Alone

Applicants respectfully traverse the rejections of claims 1-5, 8 and 10 as allegedly being anticipated by Takeda.

Claim 1 recites:

A wireless communication system comprising  
a base station and  
a wireless communication apparatus,  
wherein the wireless communication system controls  
transmission timing of a control signal transmittal from the  
base station and addressed to the wireless communication  
apparatus in a case where the wireless communication  
between the base station and the addressed wireless  
communication apparatus is out of order.

As explained below, this reference does not teach, disclose or suggest all of the elements of these claims.

The office action rejected claims 1-5, 8, 10 based upon Takeda, which is directed to a method for controlling communication of mobile equipment. The Office Action argues that the wireless communication system of Takeda includes a public base station (ref. 902), a mobile

station (ref. 901) and that the wireless communication system controls transmission timing for transmitting a control signal for the wireless communication system when the wireless communication apparatus is out of order. *See* 7/16/04 Office Action at ¶2. Support for this statement is allegedly found at col. 1, lines 35-67, col. 3, lines 20-40 and col. 7, lines 25-45. As Applicants understand Takeda's disclosure, his mobile station reproduces the transmission clock of the base station from the control signal. *See* Col. 1, lines 40-45. Accordingly, Takeda fails to teach, disclose or suggest "the wireless communication system controls transmission timing of a control signal transmitted from the base station and addressed to the wireless communication apparatus in a case where the wireless communication between the base station and the addressed wireless communication apparatus is out of order" as recited in applicants' claim 1.

Accordingly, independent claim 1 is asserted to be patentably distinct from Takeda. For at least similar reasons, independent claims 8 and 10 and dependent claims 2-5<sup>1</sup> also are believed to be distinguished from Takeda.

C. Claim 9 Is Patentably Distinct From Takeda In Combination With Miyamoto

Applicants respectfully traverse the rejection of claim 9 as allegedly being unpatentable over Takeda in view of Miyamoto.

Claim 9 recites:

A wireless communication apparatus comprising:

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<sup>1</sup> In the rejection of claims 3 and 4, the Office Action also relied upon Yamamoto. At col. 4, lines 53-55 (referenced by the Office Action), Yamamoto describes a timing regulator 23c of a "high-level station," which sends a control message MG6 to the wireless base station 21/22 that puts back the built-in clock 21a/22a a certain time or puts the built-in clock 21a/22a forward a certain time. Accordingly, even if it were appropriate to combine Takeda and Yamamoto, Yamamoto fails to remedy the deficiencies of Takeda.

judging means for judging whether the wireless communication with the wireless communication control apparatus is out of order or not; and

request means for requesting the base station to control the transmission timing in a case where said judging means judges the wireless communication with the base station is out of order.

As explained below, these references, either alone or in combination, do not teach, disclose or suggest all of the elements of this claim.

The Office Action concedes that Takeda “differs from claim 9... in that it does not disclose the request means for requesting the wireless communication control apparatus to control the transmission timing in a case where said judging means judges that the wireless communication with the wireless communication control apparatus is out of order.” *See* 7/16/04 Office Action at ¶6.

Miyamoto is directed to a delay correction system for wireless telephone system. In the Office Action, the passage at column 4, lines 22-35 is relied upon. This passage describes that “[a] further object” of his “invention is to provide a delay correction system for a wireless telephone system in which a base station apparatus and at least one subscriber apparatus carry out transmitting and receiving operations via respective communication means, in conformance with a time division multiple access (TDMA) system using the base station apparatus as a synchronization reference....” In this regard, Miyamoto discloses “time slot correcting means” are “provided in the base station apparatus, adjusting a time position of a signal received from the subscriber apparatus....” *See* Col. 4, lines 31-36. That is, in Miyamoto, the timing to receive a signal is adjusted in the base station apparatus.

Miyamoto fails to teach, disclose or suggest “request means for requesting the base station to control the transmission timing in a case where said judging means judges the

wireless communication with the base station is out of order” as recited in Applicants’ claim 9.

Accordingly, independent claim 9 is asserted to be patentably distinct from the cited references.

For at least similar reasons, dependent claim 13 also is believed to be distinguished from the cited references.

D. Claim 11 Is Patentably Distinct From Takeda In Combination With Sibecas

Applicants respectfully traverse the rejection of claim 11 as allegedly being unpatentable over Takeda in view of Sibecas.

Claim 11 recites:

A base station for performing wireless communication with a wireless communication apparatus, comprising:

holding means for holding an incoming call in a case where the wireless communication with the wireless communication apparatus is out of order; and

informing means for informing the wireless communication apparatus of the incoming call at a timing according to when the wireless communication with the wireless communication is in order while the incoming call is held by said holding means.

As explained below, these references, either alone or in combination, do not teach, disclose or suggest all of the elements of this claim.

As explained above, in connection with claims 1-5, 8 and 10, Takeda is directed to a method for controlling communication between a public base station (ref. 902) and a mobile station (ref. 901). The Office Action admits that “Takeda et al differs from the claim 11... in that it does not disclose holding means for holding an incoming call.” *See* 7/16/04 Office Action at ¶7. Accordingly, it is undisputed that Takeda fails to teach, disclose or suggest “holding

means for holding an incoming call in a case where the wireless communication with the wireless communication apparatus is out of order” as recited in Applicants’ claim 11.

The Office Action argues that “Sibecas et al. teaches a message to be sent by a base station is stored in a queue (holding means) to await transmission.” See 7/16/04 Office Action at ¶7. Sibecas is directed to a method for transmitting paging communication on a cellular communication system. FIGS. 10 and 11 of Sibecas are flow diagrams illustrating the operation of a base station. In step 1002, the base station receives an incoming call designating a subscriber. Thereafter, the base station determine if the message is to be sent or transmitted on the GSM protocol or the FLEX protocol, step 1006. Sibecas then discloses “[w]hen the base station determines that the message is to be transmitted on the FLEX protocol, step 1006, the message is stored, step 1008, and then placed in a queue to await a transmission cycle, step 1010.” Sibecas, however, fails to disclose that an incoming call is held in a case where the wireless communication with the wireless communication apparatus is out of order.

Accordingly, Sibecas also fails to teach, disclose or suggest “holding means for holding an incoming call in a case where the wireless communication with the wireless communication apparatus is out of order” as recited in Applicants’ claim 11 and therefore independent claim 11 is asserted to be patentably distinct from the cited references.

E. Claim 12 Is Patentably Distinct From Akhteruzzaman

Applicants respectfully traverse the rejection of claim 12 as allegedly being anticipated by Akhteruzzaman.

Claim 12 recites:

A base station for performing wireless communication with a wireless communication apparatus, comprising:

first transmitting means for transmitting wireless signals to the wireless communication apparatus regularly;

receiving means for receiving a response signal from wireless communication apparatus; and

second transmitting means for transmitting an alarm signal to a remote host in a case where the response is not received by said receiving means in response to the wireless signals transmitted regularly.

As explained below, this reference does not teach, disclose or suggest all of the elements of this claim.

Akhteruzzaman is directed to handoff of phone calls from wireless to wireline network. The Office Action cited to a passage at column 8, lines 5-21 as allegedly disclosing “calling means for making an outgoing [call] to a public network in a case where signal is not received by said receiving means within a predetermined timing.” See 7/16/04 Office Action at ¶3. That passage relates to a “wireline terminal to which a telephone call is transferred may be a public telephone.” The passage goes on to describe that if there is no answer, “the transferred telephone call is dropped and the caller may be routed to the intended party's voice mail” and if there is an answer “the transferred call at the designated wireline terminal at step 182, the program proceeds to step 176 for completing transfer of the call to the wireline terminal and dropping the connection to the wireless terminal.”

Thus, in Akhteruzzaman, a call is transferred from a wireless terminal to a designated wire line terminal. Akhteruzzaman fails to teach, disclose or suggest “second transmitting means for transmitting an alarm signal to a remote host in a case where the response is not received by said receiving means in response to the wireless signals transmitted regularly” as recited in Applicants’ claim 12.

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Accordingly, independent claim 12 is asserted to be patentably distinct from the cited references.

### CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-4804.

Respectfully submitted,  
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